

**AMENDMENT NO. 1 TO AGREEMENT NO. 47251-5
BETWEEN
THE LOS ANGELES DEPARTMENT OF WATER AND POWER
AND
BORISMETRICS**

THIS AMENDMENT NO. 1 to Agreement No. 47251-5 is made and entered into by and between the City of Los Angeles acting by and through its Department of Water and Power, a municipal corporation, (hereinafter the "Department" or "LADWP") and Borismetrics, a Sacramento, CA based sole proprietorship corporation (hereinafter the "Consultant" or "Contractor"). Individually, Department and Consultant are referred to under this Agreement as a "Party" and collectively as the "Parties."

WHEREAS, on September 3, 2014, the parties entered into Agreement No. 47251-5 (which together with this Amendment thereto is hereinafter referred to as the "Agreement"), wherein the consultant agreed to provide Rate Application Technology and Implementation; and

WHEREAS, the Agreement provides for amendments; and

WHEREAS, LADWP and the Consultant are amending the Agreement for the purpose of extending the Agreement term by one additional year and increasing the not-to-exceed amount by \$325,000. The total Agreement amount plus the additional funds under this Amendment shall not exceed \$1,975,000; and

WHEREAS, the Amendment is necessary and proper to continue and/or complete certain activities authorized under the Agreement.

NOW THEREFORE, the Parties hereby agree to amend Agreement No. 47251-5 as follows:

1. Page 3, Section 201 **Term of the Agreement**, is amended to read as follows:

"The term of this Agreement shall commence, provided events identified in Exhibit E, PSC-4 have occurred, upon execution of this Agreement by all Parties hereto and shall terminate **48 months** thereafter, subject to the termination provisions herein."

2. Page 4, Section 301.1 **Not-To-Exceed Amount**, is amended to read as follows:

"The total compensation that may be paid to the Consultant by the Department for complete and satisfactory performance of services under this Agreement shall not exceed One Million Nine Hundred Seventy-Five Thousand dollars (\$1,975,000)."

3. Exhibit G **Statement of Work**, is amended to include:

1.0 Scope of Work

ADD:

Rate Analytics

1. Water and Power Rate Analytics
2. Application updates and enhancements to existing projects

Distributive Energy Resource Support: Community Solar Development

Except as amended herein, all other terms and conditions of Agreement No. 47251-5 shall remain the same and are incorporated herein as if fully set forth.

This Amendment is executed in two (2) duplicate originals, each of which is deemed to be an original. This Amendment includes (2) pages.

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment No. 1 to Agreement No. 47251-5 to be executed by their authorized representatives on the day and year written below.

DEPARTMENT OF WATER AND POWER
OF THE CITY OF LOS ANGELES
BY
BOARD OF WATER AND POWER COMMISSIONERS
OF THE CITY OF LOS ANGELES

By: _____
DAVID H. WRIGHT
General Manager

Dated: _____

AND

By: _____
BARBARA E. MOSCHOS
Board Secretary

Dated: _____

BORISMETRICS

By: Boris Prokop
BORIS PROKOP
President

Dated: 2/14/17

APPROVED AS TO FORM AND LEGALITY
MICHAEL N. FEUER, CITY ATTORNEY

FEB 14 2017

BY Dick P. Broersma
DEPUTY CITY ATTORNEY